

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

U.S. COMMODITY FUTURES TRADING)
COMMISSION et al.,)

Plaintiffs,)

vs.)

Case No.: 05-cv-02641-JSW

NATIONAL INVESTMENT)
CONSULTANTS, INC., et al.,)

Defendants,)

Judge: The Hon. Jeffrey S. White

and)

THERESA C. WONG, an individual,)
Relief Defendant.)

(Proposed)

**CONSENT ORDER OF PERMANENT INJUNCTION AND
OTHER EQUITABLE RELIEF AGAINST DEFENDANTS PACIFIC BEST
GROUP LTD, NATIONAL INVESTMENT CONSULTANTS, INC, WEI MAN TSE,
RUN PING ZHOU, YI KERRY XU AND RELIEF DEFENDANT THERESA WONG**

ATTACHMENT A
(NOT FOR ENTRY)

1 Edward Gartenberg (CA Bar No. 102693)
2 Alexandra Epand (CA Bar No. 191733)
3 THELEN REID & PRIEST LLP
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10 Attorneys for Defendants
11 NATIONAL INVESTMENT CONSULTANTS, INC., and
12 WEI M. TSE a.k.a. RAYMOND TSE, and for Relief
13 Defendant THERESA C. WONG,
14

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DIVISION OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 U.S. COMMODITY FUTURES TRADING
19 COMMISSION and THE COMMISSIONER OF
20 CORPORATIONS OF THE STATE OF
21 CALIFORNIA,

22 Plaintiffs,

23 vs.

24 NATIONAL INVESTMENT CONSULTANTS,
25 INC, a California corporation, PACIFIC BEST
26 GROUP LTD, a.k.a. PACIFIC BEST
27 COMPANY LTD, a British Virgin Islands
28 Corporation, YI KERRY XU, an individual,
RUN PING ZHOU a.k.a. FLORA ZHOU, an
individual, and WEI M. TSE a.k.a. RAYMOND
TSE, an individual,

Defendants,

and

THERESA C. WONG, an individual,

Relief Defendant.

CASE NO.: 052641 JSW

**STIPULATION FOR
JUDGMENT**

Judge: Hon. Jeffrey S. White

1 The parties to this action, by the signatures of their counsel of record to this Stipulation, do
2 stipulate and agree as follows:

3
4 I.

5 RECITALS

6 1. The Plaintiffs the Commodity Futures Trading Commission and the State of
7 California have filed a Complaint against Defendants Pacific Best Company Ltd, National
8 Investment Consultants, Inc, Raymond Tse, Flora Zhou, Yi Kerry Xu and Relief Defendant
9 Theresa Wong alleging violations of the Commodity Exchange Act, as amended (the "Act"), 7
10 U.S.C. §§ 13a-1 (2002) *et seq.* and California state law.

11 2. The parties desire to resolve this litigation. The parties have entered into a
12 settlement which has been memorialized by a Consent Order of Permanent Injunction and Other
13 Equitable Relief (the "Consent Order"). Pursuant to the Consent Order, a Stipulation for
14 Judgment (the "Stipulated Judgment"), is provided as security in the event that certain payments
15 are not otherwise made pursuant to the Consent Order. This document shall constitute that
16 Stipulated Judgment.

17 3. All of the terms of the Consent Order are reaffirmed and incorporated herein by
18 reference. Pursuant to this Stipulated Judgment, in the event that payments are not fully made
19 pursuant to the Consent Order and subject to the provisions for notice in Section III, paragraph
20 D(13) of the Consent Order, judgment may be entered only against the Defendants (but not
21 against Relief Defendant Theresa Wong) whose liability for restitution and/or penalties have not
22 otherwise been paid in this action at their respective "capped amount" as provided in section III,
23 paragraph B(6) for restitution and section III, paragraphs C(7) and (8) for penalties of the
24 Consent Order. The amount of this judgment shall be Three Million Two Hundred Thousand
25 Dollars (\$3,200,000) less all amounts otherwise paid pursuant to the Consent Order.

26 4. The parties agree that Plaintiffs' counsel may complete this Stipulated Judgment
27 by entering the names of the applicable Defendants and the applicable amount (not to exceed
28 \$3,200,000) consistent with the provisions of paragraph 3 above and the Consent Order.

6. The parties admit that this Court has jurisdiction of this action for purposes of entering the Stipulated Judgment and that, by agreeing to a judgment in this matter, they voluntarily consent to this Court exercising that jurisdiction over their persons for purposes of enforcing this judgment.

TERMS OF PROPOSED JUDGMENT

1. Plaintiffs shall have Judgment against Defendants _____ (the “Judgment Defendants”) in the sum of \$ _____ on the claims raised in the Complaint on file in this action.

2. Each party is to bear his, her, or its own costs and attorney's fees in this matter, and no Court award will be made for costs or attorney's fees.

3. The Judgment Defendants will pay the sums specified in this judgment to the Plaintiffs in this matter, in cash or cash equivalent within thirty (30) days of receiving notice of the entry of this judgment. Notice shall be provided pursuant to Section IV Paragraph 4 of the Consent Order. If payment is not made as specified, the plaintiff may execute on this judgment by any means or remedy available at law for collections of or execution on judgments. Interest shall be paid at the post-judgment interest rate set forth in 28 U.S.C. § 1961 on any unpaid amounts due and owing pursuant to this judgment beginning 30 days after notice of entry of this judgment and interest shall accrue until this judgment is paid in full. All payments made pursuant to this judgment shall be applied as provided in the Consent Order.

IT IS SO STIPULATED

1 Dated: 7-14, 2006

THELEN REID & PRIEST LLP

2 By Edward Gartenberg

3 EDWARD GARTENBERG

4 Attorneys for Defendants

5 PACIFIC BEST GROUP LTD, a.k.a. PACIFIC BEST

6 COMPANY LTD, NATIONAL INVESTMENT

7 CONSULTANTS, INC.; WEI M. TSE a.k.a.

8 RAYMOND TSE, and for Relief Defendant THERESA

9 C. WONG

10 Dated: 8/31/06, 2006

U.S. COMMODITY FUTURES TRADING COMMISSION

11 By Kevin K. Batteh

12 KEVIN K. BATTEH

13 Attorneys for Plaintiff

14 U.S. COMMODITY FUTURES TRADING

15 COMMISSION

16 Dated: _____, 2006

COMMISSIONER OF CORPORATIONS OF THE STATE
OF CALIFORNIA

17 By _____

18 EDWARD KELLY SHINNICK

19 Attorneys for Plaintiff

20 COMMISSIONER OF CORPORATIONS OF THE

21 STATE OF CALIFORNIA

1 Dated: _____, 2006

THELEN REID & PRIEST LLP

2 By _____

3 EDWARD GARTENBERG

Attorneys for Defendants

4 PACIFIC BEST GROUP LTD, a.k.a. PACIFIC BEST

COMPANY LTD, NATIONAL INVESTMENT

5 CONSULTANTS, INC.; WEI M. TSE a.k.a.

6 RAYMOND TSE, and for Relief Defendant THERESA

C. WONG

7
8
9 Dated: _____, 2006

U.S. COMMODITY FUTURES TRADING COMMISSION

10 By _____

11 KEVIN K. BATTEH

Attorneys for Plaintiff

12 U.S. COMMODITY FUTURES TRADING

13 COMMISSION

14
15 Dated: 8/31, 2006

COMMISSIONER OF CORPORATIONS OF THE STATE
OF CALIFORNIA

16
17
18 By  _____

EDWARD KELLY SHINNICK

Attorneys for Plaintiff

19 COMMISSIONER OF CORPORATIONS OF THE
20 STATE OF CALIFORNIA

1 Dated: _____, 2006

COTTON & GUNDZIK, LLP

2
3 By _____

JOHN W. COTTON
Attorneys for Defendant
YI KERRY XU

4
5
6 Dated: _____, 2006

LAW OFFICES OF FRED S. KONIGSBERG

7
8 By _____

FRED S. KONIGSBERG
Attorneys for Defendants
RUN PING ZHOU aka FLORA ZHOU and
SOUTH CHINA INVESTMENTS, INC.

9
10
11
12 Consented to and approved for entry by:

13 DEFENDANTS:

14 PACIFIC BEST GROUP LTD.

15 By: _____

16 6-20-06
Date

17
18 NATIONAL INVESTMENT CONSULTANTS, INC

19 By: _____

20 6-20-06
Date

21 Raymond Tse
22 RAYMOND TSE / WEI MAN TSE

6-20-06
Date

23
24 RUN PING ZHOU / FLORA GIORGI

Date

25
26 YI KERRY XU

Date

1 Dated: _____, 2006

COTTON & GUNDZIK, LLP

2
3 By _____

JOHN W. COTTON
Attorneys for Defendant
YI KERRY XU

4
5
6 Dated: July 18, 2006

LAW OFFICES OF FRED S. KONIGSBERG

7
8 By  _____

FRED S. KONIGSBERG
Attorneys for Defendants
RUN PING ZHOU aka FLORA ZHOU and
SOUTH CHINA INVESTMENTS, INC.

9
10
11
12 Consented to and approved for entry by:

13 DEFENDANTS:

14 PACIFIC BEST GROUP LTD.

15 By: _____

16 Date _____

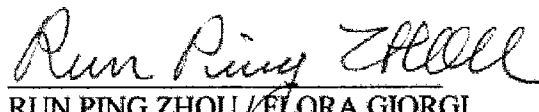
17
18 NATIONAL INVESTMENT CONSULTANTS, INC

19 By: _____

20 Date _____

21
22 RAYMOND TSE / WEI MAN TSE

Date _____

23 
24 RUN PING ZHOU / FLORA GIORGI

July 17, 2006
Date

25
26 YI KERRY XU

27 Date _____

1 Dated: July 20, 2006

COTTON & GUNDZIK, LLP

2
3 By [Signature]
JOHN W. COTTON
4 Attorneys for Defendant
YI KERRY XU

6 Dated: _____, 2006

LAW OFFICES OF FRED S. KONIGSBERG

8 By _____
9 FRED S. KONIGSBERG
Attorneys for Defendants
10 RUN PING ZHOU aka FLORA ZHOU and
11 SOUTH CHINA INVESTMENTS, INC.

12 Consented to and approved for entry by:

13 DEFENDANTS:

14 PACIFIC BEST GROUP LTD.

15 By: _____

16 Date _____

17
18 NATIONAL INVESTMENT CONSULTANTS, INC

19 By: _____

20 Date _____

21
22 RAYMOND TSE / WEI MAN TSE

23 Date _____

24 RUN PING ZHOU / FLORA GIORGI

25 Date _____

26 [Signature]
YI KERRY XU

27 Date July 20, 06

28

THELEN RHO
& PRIEST LLP
ATTORNEYS AT LAW

LA #400598 vl

-5-

STIPULATION FOR JUDGMENT

1
2 RELIEF DEFENDANT:

3 
4 THERESA WONG

6/20/06
Date

5
6
7 ORDER ON STIPULATION

8 The Court has reviewed and accepted this Stipulation. Therefore,
9 IT IS ORDERED that the Clerk of this Court enter Judgment in this matter, according to
10 the provisions of Rule 58 of the Federal Rules of Civil Procedure and in accordance with
11 the terms of this Stipulation. Judgment shall be so entered forthwith.
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13
14 Dated: _____

15 HONORABLE JEFFREY S. WHITE
16 JUDGE OF THE UNITED STATES
17 DISTRICT COURT
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